

CPA/1771



# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable:

☒ **DUPLICATE**

Address  
**Commissioner for Patents  
Box CPA  
Washington, DC 20231**

Attorney Docket No.	1590.3039 CIP
First Named Inventor	SCOTT D. LUCAS, ET AL.
Examiner Name	J. Befumo
Group Art Unit	1771
Express Mail Label No.	

This is a request for a ☐ continuation or ☒ divisional application under 37 C.F.R. § 1.53(d), (continued prosecution application (CPA)) of prior application number 09/317,409 filed on May 24, 1999, entitled PRODUCTS AND METHOD OF CORE CRUSH PREVENTION.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. § 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. § 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. § 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. a. ☒ A Preliminary Amendment is enclosed.
- b. ☒ The Applicants presently intend to file additional papers in this case shortly. Should the Examiner take this case up for action before receiving such papers, it is respectfully requested that the Examiner contact the attorneys for the Applicants.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventors to be deleted are set forth on a separate sheet attached hereto.
4. ☐ An Associate Power of Attorney is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

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04/23/2001 SSITHIB1 00000049 09317409

01 FC:131  
02 FC:103  
03 FC:102

710.00 OP  
306.00 OP  
160.00 OP



CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))	37-20 =	17	X \$ 18.00 =	\$ 306.00
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	5-3 =	2	X \$ 80.00 =	\$ 160.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			\$270.00 =	\$ 0.00
				BASIC FEE (37 C.F.R. § 1.16(a))	\$ 710.00
			Total of above Calculations =		\$1176.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28).				
	TOTAL =				\$1176.00

6. Small entity status

- a. ☐ A Small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. ☐ Small entity status: Applicant claims small entity status. See 37 C.F.R. § 1.27.

8. ☒ A check in the amount of \$ 1176.00 is enclosed.

9. The Commissioner is hereby authorized to credit overpayments or charge deficiencies in the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☐ Fees required under 37 C.F.R. § 1.17.
- c. ☐ Fees required under 37 C.F.R. § 1.18.

10. ☐ Applicant requests suspension of action under 37 C.F.R. § 1.103(b) for three months. (Fee of \$130.00 required under 37 C.F.R. § 1.17(i) is enclosed).

11. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A).

b. ☒ Return Receipt Postcard (Should be specifically itemized. See M.P.E.P. § 503).

12. ☒ A Petition Under 37 C.F.R. § 1.136(a) with a check in the amount of \$390.00 is enclosed.

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below

**13. NEW CORRESPONDENCE ADDRESS**

☒ Customer Number or Bar Code Label 05514 or ☐ New correspondence address below  
(Insert Customer No. or Attach bar code label here)

NAME					
ADDRESS					
CITY	STATE	ZIP CODE			
COUNTRY	TELEPHONE	FAX			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME

CHRISTOPHER PHILIP WRIST

SIGNATURE

REGISTRATION NO.

32,078

DATE

April 20, 2001

1590.3039 CIP

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of: )  
SCOTT D. LUCAS, ET AL. )  
Application No.: 09/317,409 )  
Filed: May 24, 1999 )  
For: PRODUCTS AND METHOD OF )  
CORE CRUSH PREVENTION )  
Examiner: J. Befumo )  
Group Art Unit: 1771 )  
April 20, 2001 )

Commissioner For Patents  
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Prior to examination on the merits, please enter the following amendments to the above-identified continuation application.

IN THE CLAIMS:

Please cancel Claims 13 to 38, 47 to 54, 56 and 77 to 86 without prejudice to or disclaimer of the subject matter recited therein.

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Handwritten signature and initials, possibly "J. Befumo", with a date "4-25-01" written below it.